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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCESDocket Number (Optional)
10/679,123

I hereby certify that this correspondence and every paper referred to therein as being enclosed is being transmitted to the United States Patent and Trademark Office via facsimile, EFS Web filing or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on November 8, 2010Signature /Marvette Ferguson/
Marvette FergusonIn re Application of
KLINKSIEK, et alApplication Number **10/679,123** Filed **October 3, 2003**

For

PROCESS FOR PRODUCING PULVURENT ACTIVE SUBSTANCE FORMULATIONS WITH COMPRESSIBLE FLUIDSArt Unit **1612** Examiner **Snigdha Maewall**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ **540.00**

- Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____.
- A check in the amount of the fee is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account Number 14-1263.
- A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- applicant/inventor.
- assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96).

- attorney or agent of record.

Registration number 27,552

- attorney or agent under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

November 8, 2010

Date

William C. Gerstenzang/

Signature

(212) 808-0700

Telephone Number

William C. Gerstenzang

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

- Total of _____ forms are submitted.

This collection of information is required by 37 CFR 41.30. The information is used to obtain or retain a benefit by the public which is to be had by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.10, 1.14 and 41.6. This collection is estimated to take 10 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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